

Session 13-03, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Erickson at 6:30 p.m. on February 20, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ERICKSON, HIGHLAND, SLONE, STEAD, VENUTI

STAFF: CITY PLANNER ABOUD  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

Commissioner Highland requested that the Transportation Committee Report be added under Reports. The amended agenda was approved by consensus of the Commission.

### **Public Comment**

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

### **Reconsideration**

### **Adoption of Consent Agenda**

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Approval of Minutes of February 6, 2013 meeting

### **Presentations**

#### **Reports**

- A. Staff Report PL 13-17, City Planner's Report

City Planner Abboud reviewed his staff report.

- B. Transportation Committee Report

Commissioner Highland reported on the TAC discussion about steep slopes and the proposed east west corridor at Waddell Way.

### **Public Hearings**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 13-16, CUP 13-04, 4661 Kachemak Drive, Request for Conditional Use Permit for more than one building containing a principal permitted use on a lot

City Planner Abboud reviewed the staff report.

Kurt St. Jean, applicant, commented regarding his plan to build three small homes on the lot with the goal of keeping it private and keeping a natural buffer on the lot.

Chair Erickson opened the public hearing. No public was present and the hearing was closed.

In response to questions about the wetlands, Mr. St Jean said he has applied for permitting through the Corps of Engineers and he does intend to build on pilings.

VENUTI/STEAD MOVED TO ADOPT STAFF REPORT PL 13-16, CUP 13-04 AT 4661 KACHEMAK DRIVE, REQUEST FOR A CONDITIONAL USE PERMIT FOR MORE THAN ONE BUILDING CONTAINING A PRINCIPAL USE ON THE LOT, WITH STAFF RECOMMENDATIONS AND FINDINGS.

Commissioner Highland expressed concern about three buildings on an area that is 80% wetlands. Point was raised that ACOE will make the determination on the wetlands and they are the experts.

Commissioner Bos commented that the development is consistent with the goals Comp Plan; he thinks the applicant's plan is good and likes the use of buffers.

Commissioner Slone commented that he understands the rural residential area as low density, primarily residential, but this recommendation is more consistent with urban residential. City Planner Abboud responded that urban residential allows multifamily dwellings as long as they are kept to 40% of the lot, meet the open space requirement, and 7500 square foot lots are allowable.

VOTE: YES: BOS, STEAD, HIGHLAND, SONNEBORN, VENUTI, ERICKSON, SLONE

Motion carries

## **Plat Consideration**

### **Pending Business**

A. Staff Report PL 13-14, Amending the HAPC Bylaws and Policies and Procedures

City Planner Abboud reviewed his staff report.

The Commission did not have any recommendations to amend meeting times. They discussed the suggested verbiage options listed on item bylaw item S. Representing the Commission.

Commissioner Bos suggested the following language:

*The Commission shall act as a body. A member of the Commission may not speak or act for the Commission.*

There was discussion as to what language need to be included in the wording. Concern was raised with removing the words, *when representing the Commission*.

VENUTI/BOS MOVED TO UTILIZE THE SECOND PARAGRAPH AMENDED AS COMMISSIONER BOS PROPOSED.

There was no further discussion.

VOTE: YES: SONNEBORN, STEAD, VENUTI, ERICKSON, BOS

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
FEBRUARY 20, 2013

NO: HIGHLAND, SLONE

Motion carried.

Commissioner Slone raised the issue of extending the public comment time from three minutes to five minutes. Point was raised that the bylaws say that the three minute time limit may be adjusted up or down by two minutes by the Chair with concurrence of the body. The body discussed pros and cons of extending the time limit. Staff noted that Resolution 06-115(A) adopted by the City Council defines public comment time limits.

SLONE/HIGHLAND MOVED TO AMEND THE BYLAWS THAT THE TIMELIMIT FOR PUBLIC TESTIMONY IS LIMITED TO FIVE MINUTES.

Commissioner Highland noted that when they are discussing a controversial subject, three minutes is more than enough when you have a room full of public wanting to provide comments. When the public has a three minute time limit it encourages them to keep their information very succinct, and that is pretty important. The ability to adjust the time gives them flexibility if the need arises. She also noted that applicants are not held to the time limit.

VOTE: YES: SONNEBORN, SLONE  
NO: STEAD, ERICKSON, BOS, HIGHLAND, VENUTI

Motion failed.

SLONE/HIGHLAND MOVED THAT UPON REQUEST OF A COMMISSIONER, THAT PORTION OF THE RECORD DESIGNATED BY HIM/HER SHALL BE PRESENTED TO THE CITY COUNCIL AT THEIR NEXT REGULARLY SCHEDULED MEETING.

Commissioner Slone commented that it would be included in whichever document it would be more relevant.

There was discussion that all the information the Commission considers in a decision making process, including minutes, is provided to the City Council when they take action on something the Commission considers. City Planner Abboud added that it is important that the body put on the record their discussion on findings, whether or not they approve of them, and especially if they propose new findings, so the decisions are clear and included in the record. Point was raised that the language suggested is more of minority position paper saying that the Commission voted this way, but I disagreed, and this why. It conflicts with the language they approved regarding representing the Commission.

Commissioner Slone explained he suggesting that input they hear may show community thoughts and values are shifting regarding the City's laws, it is their job to inform pass that on to City Council.

There was extensive discussion about process, and using Homer City Code and the Comprehensive Plan in their decision making. Other comments included that any person can express their personal views as a citizen, and in previous actions the Council has received pages and pages of information from the Commission.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
FEBRUARY 20, 2013

Commissioner Venuti called for the question. There was no objection to the Call for the Question.

VOTE: YES: SLONE

NO: STEAD, ERICKSON, VENUTI, HIGHLAND, BOS, SONNEBORN

Motion failed.

**New Business**

A. Staff Report PL 13-18, Land Allocation Plan

Chair Erickson noted that they discussed the Land Allocation Plan with Planning Technician Engebretsen and staff will bring a memorandum back at their next meeting.

**Informational Materials**

A. City Manager's Report from January 28, 2013 City Council Meeting

B. KPB Planning Commission Notice of Decisions

**Comments of the Audience**

Members of the audience may address the Commission on any subject. (3 minute time limit)

None

**Comments of Staff**

None

**Comments of the Commission**

Commissioner Highland asked if they could discuss wetlands in our CUP's at the next meeting. She knows they go on to the Corps of Engineers, but she feels like these things are important enough that it be part of the CUP discussion, on a larger basis. City Planner Abboud noted that her request is somewhat vague but encouraged any commissioner to talk to Planning staff about issues they have with a CUP. Ms. Highland said she would talk to staff. She also encouraged the group to read the City's Climate Action Plan. She has been reading it and it has some good information.

Commissioner Bos confirmed that City Attorney Wells will be at the next worksession. He noted they never have enough time with her.

Chair Erickson submitted her resignation from the Planning Commission effective immediately. She explained that she is increasingly distracted at the meetings as recent actions to finance the extension of the natural gas line to City residents will negatively impact her business. She feels that her personal situations require her full attention, forcing her to pull back from extra activities. She has enjoyed working with the Commission. She provided her written letter for the record.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
FEBRUARY 20, 2013

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 7:56 p.m. The next regular meeting is scheduled for March 6, 2013 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_